

APPEAL NO. 021402
FILED JULY 8, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 6, 2002. The hearing officer determined that the appellant's (claimant) compensable respiratory inhalation injury of _____, does not include an injury to the heart and that the claimant did not have disability from June 28, 2001, to November 28, 2001 (when the claimant returned to work).

The claimant appealed, disputing the hearing officer's findings as being so contrary to the great weight and preponderance of the evidence to be "grossly aberrational." The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant was employed as a "structural assembler" and in October 2000 began working with a certain type of glue. The parties stipulated that the claimant suffered a compensable respiratory inhalation injury on _____, from the glue fumes. The claimant was treated and returned to work. On June 28, 2001, the claimant was admitted to the hospital for uncontrolled hypertension, congestive heart failure, and chest pain. At issue is whether the compensable inhalation injury extended to include the heart condition or whether the heart condition was due to the uncontrolled hypertension. Where, as here, the causal connection is not a matter of general knowledge, it must be proven to a reasonable medical probability by expert medical evidence. Schaefer v. Texas Employers' Insurance Association, 612 S.W.2d 199 (Tex. 1980); Houston General Insurance Company v. Pegues, 514 S.W.2d 492 (Tex. Civ. App.-Texarkana 1974, writ ref'd n.r.e.); Texas Workers' Compensation Commission Appeal No. 94254, decided April 14, 1994 (Unpublished). Whether the necessary causation exists is a question of fact for the hearing officer to decide. Texas Workers' Compensation Commission Appeal No. 94266, decided April 19, 1994.

There was conflicting medical evidence presented and it is the hearing officer, as the sole judge of the weight and credibility of the evidence to judge the weight to be given to the expert medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). Nothing in our review of the record indicates that the hearing officer's determinations are so against the great weight of the evidence as to be clearly wrong and unjust. Accordingly, no sound basis exists for us to disturb those determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CSC – THE US CORPORATION COMPANY
400 NORTH ST. PAUL
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge